

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:10CR00618AGF
)	
WILLIAM GHOLSON,)	
)	
Defendant.)	

ORDER

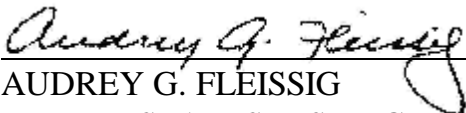
This matter is before the Court on defendant William Gholson's pretrial motions. All pretrial motions were referred to United States Magistrate Judge Terry I. Adelman under 28 U.S.C. § 636(b). Defendant filed a Motion to Dismiss Count Three of the Indictment (Doc. #250). The parties advised Judge Adelman that they would not require a hearing on the motion, and rather would submit the issue on the written filings. Judge Adelman thereafter issued a Memorandum and Recommendation (Doc. #354), in which he recommended that Defendant's motion to dismiss be denied. No objections have been filed to the Magistrate Judge's Memorandum and Recommendation, and the time to do so has passed.

The Court has carefully and independently reviewed the record of this matter, and is in full agreement with the stated rationale of the Magistrate Judge's recommendations, and will adopt same. The Court finds that the indictment contains all of the essential elements of the offense charged. In light of the Savings Statute, 1 U.S.C. § 109, and the fact that the Fair Sentencing Act of 2010 was not made retroactive, the Fair Sentencing Act does not serve as a basis to dismiss the charge.

Accordingly,

IT IS HEREBY ORDERED that the Memorandum and Recommendation of United States Magistrate Judge [Doc. #354] is **SUSTAINED, ADOPTED, AND INCORPORATED** herein.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss Count Three of the Indictment [Doc. #250] is **DENIED**.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 18th day of July, 2011.